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Attorneys for Plaintiffs  
RITA BALDWIN and J.C., by and through his  
Guardian Ad Litem, RITA BALDWIN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT

SAN JOSE DIVISION

RITA BALDWIN and J.C., by and through is  
Guardian Ad Litem, RITA BALDWIN,

Plaintiffs,

v.

CHARLES DANGERFIELD, JASON LARA,  
JOHN JEFFERSON, MIKE NELSEN, and  
DOES 1-25, inclusive,

Defendants.

Case No. CV-06-2467 JF (HRL)

**STIPULATION RE: PLAINTIFFS'  
ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE SURREPLY TO  
DEFENDANTS' MOTION *IN LIMINE* TO  
LIMIT DAMAGES FOR ENTRY INTO  
PLAINTIFFS' BACKYARD TO  
NOMINAL DAMAGES [L.R. 7-11];  
~~PROPOSED~~ ORDER**

Date: February 23, 2009 (Pretrial Conference)

Time: 11:00 a.m.

Ctrm: 3, 5<sup>th</sup> Floor

Judge: Hon. Jeremy Fogel

Trial: February 27, 2009

WHEREAS, at the January 16, 2009 pretrial conference, the Court directed the parties to address the general availability of attorneys' fees in this case in the Opposition to and Reply in support of Defendants' Motion *In Limine* To Limit Damages For Entry Into Plaintiffs' Backyard To Nominal Damages (the "Motion To Limit Damages"); and

WHEREAS, as a result of that briefing schedule, the issue of attorneys' fees was first addressed in Plaintiffs' Opposition to the Motion To Limit Damages; and

WHEREAS, Defendants' Reply to the Opposition to the Motion To Limit Damages included an argument in opposition to Plaintiffs' argument on the issue of attorneys' fees;

IT IS HEREBY STIPULATED, by and between the undersigned, subject to the approval of the Court, that Plaintiffs may file a surreply to Defendants' Motion To Limit Damages. The surreply is not to exceed five (5) pages and shall be filed within three (3) court days of the entry of this Order.

Dated: February 6, 2009

Mayer Brown LLP

By: 

Jason A. Wrubleski

*Attorneys for Plaintiffs Rita Baldwin and J.C.,  
by and through his guardian ad litem, Rita  
Baldwin*

Dated: February 6, 2009

Office of the Attorney General for the State of  
California

By: 

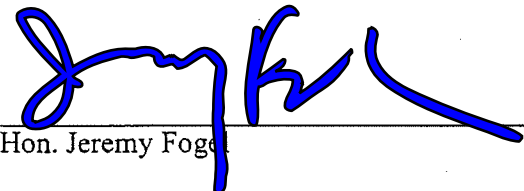
Troy Overton

*Attorneys for Defendants Charles Dangerfield,  
Jason Lara, and John Jefferson*

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: February 23, 2009

  
Hon. Jeremy Fogel